

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DAVE NAGY,

Plaintiff,

v.

GROUP LONG TERM DISABILITY PLAN
FOR EMPLOYEES OF ORACLE
AMERICA, INC., et al.,

Defendants.

Case No. 14-cv-00038-HSG

**ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND
RECOMMENDATION RE: MOTION
FOR ATTORNEY'S FEES, AND
DENYING PLAINTIFF'S
ADMINISTRATIVE MOTION**

Re: Dkt. Nos. 123, 146, 150


On September 16, 2016, Plaintiff Dave Nagy filed a motion for attorney's fees, requesting an award of \$272,710.50. Dkt. No. 123. On September 20, 2016, the Court referred the attorney's fees motion to Magistrate Judge Laurel Beeler. Dkt. No. 124. Briefing was completed on October 19, 2017, Dkt. Nos. 128, 137, the hearing was held on January 12, 2017, Dkt. No. 145, and Magistrate Judge Beeler issued the report and recommendation ("R&R") on January 17, 2017, Dkt. No. 146. Magistrate Judge Beeler recommended that the Court grant Plaintiff's motion for attorney's fees while reducing the award to \$245,305.50. *Id.* at 2. On January 31, 2017, Defendant objected to the R&R and requested that the fee award be further reduced to \$121,215. Dkt. No. 149. On February 8, 2017, Plaintiff filed an administrative motion to strike an exhibit to Defendant's opposition brief or in the alternative, allow Plaintiff to file a written response of equal length. Dkt. No. 150. On February 10, 2017, Defendant filed an opposition to Plaintiff's administrative motion. Dkt. No. 151.

The Court has reviewed Magistrate Judge Beeler's R&R, as well as Defendant's objection, and finds the R&R correct, well-reasoned and thorough. As for Plaintiff's administrative motion, the Court construes it as an untimely objection to the R&R. *See* Fed. R. Civ. P. 72(b)(2) (14 days

to object).¹

Accordingly, the Court **ADOPTS** Magistrate Judge Beeler's R&R in every respect, and therefore **GRANTS** Plaintiff's motion for attorney's fees, while reducing the award to \$245,305.50. The Court **DENIES** Plaintiff's administrative motion.

Dated: 2/23/2017


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California

¹ Plaintiff had until February 14, 2017 to respond to Defendant's objection to Magistrate Judge Beeler's R&R. *See* Fed. R. Civ. P. 72(b)(2) (14 days to respond). However, Plaintiff's administrative motion cannot fairly be construed as a response to Defendant's objection. *Compare* Dkt. No. 149 *with* Dkt. No. 150. In fact, Plaintiff's administrative motion does not even cite Defendant's objection. *See* Dkt. No. 150.